



Agenda Date: 2/5/03  
Agenda Item: IIIA

## **STATE OF NEW JERSEY**

### **Board of Public Utilities**

*Two Gateway Center*

*Newark, NJ 07102*

*www.bpu.state.nj.us*

### CABLE TELEVISION

IN THE MATTER OF THE PETITION OF COMCAST )  
CABLEVISION OF MONMOUTH COUNTY, INC. FOR )  
A RENEWAL CERTIFICATE OF APPROVAL TO )  
CONTINUE TO CONSTRUCT, OPERATE AND )  
MAINTAIN A CABLE TELEVISION SYSTEM IN AND )  
FOR THE TOWNSHIP OF HOLMDEL, COUNTY OF )  
MONMOUTH, STATE OF NEW JERSEY )

### RENEWAL CERTIFICATE OF APPROVAL

DOCKET NO. CE02100787

Stryker, Tams and Dill, Newark, New Jersey, by Janice Manganello, Esq., for the  
Petitioner.

Township Clerk, Township of Holmdel, New Jersey, by Maureen Shepherd, for the  
Township.

BY THE BOARD:

On January 14, 1982, the Board granted Futurevision Cable Enterprises, Inc. ("Futurevision") a Certificate of Approval, in Docket No. 814C-6780, for the construction, operation and maintenance of a cable television system in the Township of Holmdel ("Township"). On July 1, 1988, in Docket No. CM86050542, the Board approved an internal corporation reorganization of Futurevision, which allowed the company to assume the name Storer Cable Communications of Monmouth County, Inc. d/b/a Storer Cable Communications ("Storer"). On February 19, 1993, the Board granted Storer a Renewal Certificate of Approval for the Township in Docket No. CE92070764.

On November 30, 1992, in Docket No. CM92080843, the Board approved the petition of Comcast Cablevision (a 50% shareholder of the Certificate) and Storer to transfer all assets to Comcast Cablevision, Inc. On June 27, 1994, Storer notified the Board's Office of Cable Television that it would now be known as Comcast Cablevision of Monmouth County, Inc. ("Petitioner"). Although the Petitioner's above referenced Certificate expired on January 14, 2002, it is authorized to continue to provide cable television service to the

Township pursuant to N.J.S.A. 48:5A-25, pending disposition of proceedings regarding the renewal of its Certificate of Approval.

The Petitioner filed an application for the renewal of its municipal consent with the Township on April 13, 2001, pursuant to N.J.S.A. 48:5A-23 and N.J.A.C. 14:18-13. The Township, after public hearing, adopted a municipal ordinance granting renewal consent to the Petitioner on September 9, 2002. On September 24, 2002, the Petitioner formally accepted the terms and conditions of the ordinance, in accordance with N.J.S.A. 48:5A-24.

On October 24, 2002, pursuant to N.J.S.A. 48:5A-16, the Petitioner filed with the Board for a renewal of its Certificate of Approval for the Township. The Board has reviewed the application for municipal consent, the petition for a Renewal Certificate of Approval and the municipal consent ordinance. Based upon this review and the recommendation of the Office of Cable Television, the Board **HEREBY FINDS** the following:

1. The Petitioner possesses the requisite legal, character, financial and technical qualifications for the awarding of a Renewal Certificate of Approval. Further, the Township reviewed these qualifications in conjunction with the municipal consent process. See N.J.S.A. 48:5A-22 to 29 and N.J.A.C. 14:18-13.1 et seq.
2. The design and technical specifications of the system will ensure that the Petitioner provides safe, adequate and proper service.
3. The Petitioner has represented that all previously required construction within the franchise territory is complete.
4. The franchise period as stated in the ordinance is ten years. The Board finds this period to be of reasonable duration.
5. The Township may review the performance of the Petitioner with regard to the ordinance at its discretion. If the Township determines that the Petitioner has failed to substantially comply with the material terms and conditions of the ordinance, the Township shall provide written notice to the Petitioner of such alleged instances of non-compliance and shall grant the Petitioner 90 days to cure such deficiency. The Township may petition the Board for appropriate administrative action, including revocation of the franchise or reduction of the franchise term, only after the 90-day opportunity to cure has passed and the deficiency has not been cured.
6. The Petitioner's rates shall be regulated and tariffs shall be filed for all services, in accordance with the rules and regulations of the Federal Communications Commission, the Board and the Office of Cable Television. The Petitioner shall maintain informational tariffs for unregulated service rates and promptly file any revisions thereto.

7. Pursuant to N.J.S.A. 48:5A-26(b), the ordinance specifies a complaint officer to receive and act upon complaints filed by subscribers in the Township. In this case, it is the Office of Cable Television. All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5.
8. The Petitioner shall maintain a local business office or agent for the purpose of receiving, investigating and resolving complaints. Currently, the local office serving this provision is located at 403 South Street in the Borough of Eatontown.
9. The franchise fee to be paid to the Township is specified to be 2% of the Petitioner's gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for its cable television reception service in the Township. Additional regulatory fees shall be paid to the State in an amount not to exceed 2% of Petitioner's gross operating revenues derived from intrastate operations. The Board finds these fees to be reasonable.
10. The Petitioner shall provide service along any public right-of-way to any person's residence or business located in all areas of the franchise territory at tariffed rates for standard and non-standard installation. In all other circumstances, the Petitioner shall utilize the line extension policy ("LEP") attached to the Certificate. The minimum homes per mile figure is 35.
11. The Petitioner has agreed to provide public, educational and governmental ("PEG") access channels and facilities in accordance with its renewal application and the ordinance. Specifically, the Petitioner shall continue to provide Township residents with system-wide public access opportunities on a channel to be maintained by the Petitioner.
12. The Petitioner shall provide the Township with up to ten hours per month of dedicated time on the system-wide access channel for the purposes of cablecasting programming produced by the Township or its designees. If, within a continuous six month period, the Township fills all sixty hours with non-duplicative full-motion video programming, the Township may request, and the Petitioner shall provide, an additional five hours of time per month. If the Township does not provide the Petitioner with programming for its time slot, the Petitioner reserves the right to insert other programming in that time.
13. Within 12 months of issuance of this Certificate, the Petitioner shall pay to the Borough a one-time capital contribution in the amount of \$75,000.00 for production equipment, access support or other technology-related uses.
14. In addition to the above, the Petitioner also maintains some equipment for the use of residents.

15. Within 12 months of the date of issuance of this Certificate, the Petitioner shall provide all necessary equipment, including filter, modulators and amplifiers necessary to provide cable service to each instructional space in the Township High School, and to allow internal cablecasting of programming originated in the High School's production studio. The wiring shall be installed by the school district.
16. The Petitioner shall continue to provide the standard installation and basic and expanded service to one outlet, free of charge, to each public and private elementary and middle school and, within 12 months of the date of this Certificate, shall provide the standard installation and basic and expanded service to one outlet in any private high school.
17. The Petitioner shall continue to provide the standard installation and basic and expanded service to one outlet, free of charge, to the following: a) the municipal building; b) police, fire and first aid departments; c) libraries; and d) community centers.
18. Upon reasonable written request of the Borough, the Petitioner shall appear at a public hearing of the governing body or before the Borough's cable television advisory committee, at least once annually, to review all matters pertaining to the provision of cable service to the residents of the Borough and other related issues.

Based upon these findings, the Board **HEREBY CONCLUDES**, pursuant to N.J.S.A. 48:5A-17(a) and 28(c), the Petitioner has the municipal consent necessary to support the petition, that such consent and issuance thereof are in conformity with the requirements of N.J.S.A. 48:5A-1 et seq., that the Petitioner has complied or is ready, willing and able to comply with all applicable rules and regulations imposed by or pursuant to State or federal law as preconditions for engaging in the proposed cable television operations, that the Petitioner has sufficient financial and technical capacity, meets the legal, character and other qualifications necessary to construct, maintain and operate the necessary installations, lines and equipment, and is capable of providing the proposed service in a safe, adequate and proper manner.

Therefore, the Petitioner is **HEREBY ISSUED** this Renewal Certificate of Approval as evidence of Petitioner's authority to construct and operate a cable television system within the entirety of the Township.

This Renewal Certificate is subject to all applicable State and federal laws, the rules and regulations of the Office of Cable Television, and any such lawful terms, conditions and limitations as currently exist or may hereafter be attached to the exercise of the privileges granted herein. The Petitioner shall adhere to the standards set forth by the Federal Communications Commission's rules and regulations, 47 C.F.R. §76.1 et seq., including but not limited to, the technical standards 47 C.F.R. §76.601 through §76.630. Any modifications to the provisions thereof shall be incorporated into this Certificate.

Failure to comply with all applicable laws, rules, regulations and orders of the Board or Office of Cable Television and/or the terms, conditions and limitations set forth herein may constitute sufficient grounds for the suspension or revocation of this Certificate.

This Renewal Certificate is issued on the representation that the statements contained in the Petitioner's applications are true, and the undertakings therein contained shall be adhered to and enforceable unless specific waiver is granted by the Office of Cable Television pursuant to the authority contained in N.J.S.A. 48:5A-1 et seq.

This Certificate shall expire on January 14, 2012.

DATED: February 6, 2003

BOARD OF PUBLIC UTILITIES

BY:

(signed)

\_\_\_\_\_  
JEANNE M. FOX  
PRESIDENT

(signed)

\_\_\_\_\_  
FREDERICK F. BUTLER  
COMMISSIONER

(signed)

\_\_\_\_\_  
CAROL J. MURPHY  
COMMISSIONER

(signed)

\_\_\_\_\_  
CONNIE O. HUGHES  
COMMISSIONER

(signed)

\_\_\_\_\_  
JACK ALTER  
COMMISSIONER

ATTEST:

(signed)

KRISTI IZZO  
SECRETARY